

Request for Qualifications

**Public-Private Partnership
for the
Design, Construction and Financing of
Mixed-Income Rental Housing
Abutting the Site of the Silver Spring Library
in the
Silver Spring Central Business District**

February 1, 2010



**Montgomery County Department of Housing and Community Affairs
100 Maryland Avenue, 4th floor
Rockville, Maryland 20850
SSLRFQ@montgomerycountymd.gov**

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I. Introduction

The Montgomery County Executive, on behalf of the County Government (“the County”), seeks to enter into a public-private partnership with a qualified “Developer”, or development team. The objective of this public-private partnership will be the development of mixed-income rental housing on County-owned property adjacent to the site of the proposed Silver Spring Library in the Silver Spring Central Business District.

Interested parties, having the creative vision, demonstrated experience and organizational and financial capability to plan, develop, and manage projects of similar type and scope are encouraged to reply to this two-phase Request for Qualifications (RFQ). The initial phase of the RFQ will focus on developer qualifications, experience and creative vision. The second phase will “short-list” qualified submissions; focus on their respective financial capabilities, and the capacity to successfully execute a project from concept to completion.

The County offers publicly owned property as part of a public-private partnership for the development of the mixed-income rental housing. The property is located on the northwest quadrant of the intersection of Fenton Street and Bonifant Street. This property abuts the site of the proposed Silver Spring Library, and will be defined by a re-subdivision of the site.

The County expects the available density of development on the housing portion of the site to be approximately 120,000 square feet of development, allowing about 120 housing units.

This property is offered with the Respondents’ understanding that the manner, terms and type of compensation for the property - whether for acquisition or lease - are subject to the laws, regulations, policies, and procedures governing such transactions by the County.

The site is approximately 0.75 acres, and is currently comprised of multiple parcels, listed on Page 6 of this RFQ. All of these parcels lie less than 1,650 feet from the Paul S. Sarbanes Silver Spring Transit Center (under construction) which will contain the Silver Spring Metro Rail Station, the Silver Spring MARC commuter rail station, Metrobus and Ride-on bus terminals, an intercity bus terminal, and a Purple Line light rail station. The proposed Purple Line mass transit line traverses the site, and a Purple Line station is currently proposed on the site. For a visual orientation, please refer to the aerial photograph found on Page 6 of this RFQ.

The County, at its sole discretion, reserves the right to (a) cancel this RFQ at any time, and (b)select none of the submissions submitted. **Responses to this Request for Qualifications are due by Friday, March 26, 2010 by 2:00 p.m., EST.**

The Respondent selected through this RFQ will initially work with a planning team comprised of representatives from the County to create a development plan (the “Development Plan”). The Development Plan must demonstrate

integration and compatibility with the

proposed Silver Spring Library, the Fenton Village area (as defined in the Silver Spring Central Business District Sector Plan), and the Purple Line transit facility.

Development of the Silver Spring Library will precede the development of this mixed-income rental housing project, and it is imperative that the selected Respondent coordinate the planning of the housing with the development of the Library.

The Purple Line transit facility right-of-way traverses a portion of the housing site and the Purple Line plan currently proposes a transit stop on the site of the mixed-income rental housing. Since development of the housing will likely precede the construction of the Purple Line tracks and station, the selected Respondent Team must also coordinate the development of the site and consult with the Maryland Transit Authority so that the transit facility may be constructed in the future.

The housing development may be required to provide space for street level retail uses.

The Development Plan should also be consistent with the recommendations of the Silver Spring CBD Sector Plan, Approved and Adopted February 2000. This site is located in the Fenton Village area of the Sector Plan.

II. Project Goals

The goal of this project is to provide mixed-income rental housing, including housing for moderate and workforce income households and housing at market rates. The County plans to make the site available via a 99 year ground lease to the selected Respondent or Respondent team as its financial contribution to the development.

This project must:

- Contain the following mix of rental housing units:
 - 30 percent of the units affordable to households meeting the income guidelines for the Moderately Priced Dwelling Unit (MPDU) program. Rents for these units will be controlled for 99 years pursuant to Montgomery County Code Chapter 25A, Housing, Moderately Priced.
 - 30 percent of the units affordable to households as Workforce Housing Units with incomes in the range of 80 percent to 120 percent of areawide median income as currently described in the Code of Montgomery County Regulations (COMCOR) 25B.24.01, or any successor guidelines or procedures. Rent for these units will be controlled for 20 years pursuant Montgomery County Code Chapter 25B, Housing Policy, or any successor guidelines or procedures.
 - 40 percent of the units at market rental rates.
- Be compatible in scale and design with the Silver Spring Library.

- Comply with applicable zoning and design requirements, including the Fenton Village Overlay Zone.
- Allow for open space and amenity space as required through the Optional Method development approval process.
- Allow for mixed-use space, including street-level retail uses, as required through the development approval process.
- Provide some on-site parking for the housing units. It is the County's desire to minimize the number of on-site parking spaces to the greatest extent possible. Respondents are encouraged to consider shared parking, flex car programs, participation in the Silver Spring Parking District, and other transportation management efforts.
- Incorporate the right-of-way of, and allow for the future construction of the light rail station of the Purple Line facility.

III. Context

Silver Spring Central Business District/Fenton Village Area

The Silver Spring Central Business District (CBD) is an unincorporated, urbanized area situated in the southeastern portion of Montgomery County, adjacent to Northwest Washington, DC. It lies less than 1.5 miles south of the Capital Beltway (Interstate 495). It is served by U.S. Route 29 (Colesville Road/Georgia Avenue) and Maryland Routes 97 (Georgia Avenue north of Colesville Road), 410 (East West Highway/Burlington Avenue), 390 (16th Street), and 384 (Colesville Road west of Georgia Avenue). The Silver Spring Metrorail station and the Silver Spring AMTRAK/MARC Commuter Rail station are located within the CBD. The Van-Go Shuttle (Ride-on Bus Route 28) is a free circulator bus that operates in the CBD from 7 am to 7 pm on weekdays. The CBD will be served by the proposed Capital Crescent Bicycle Trail and the proposed Metropolitan Branch Bicycle Trail.

The Silver Spring Urban District provides special services to the Central Business District to ensure that downtown Silver Spring is maintained in a clean, safe and attractive manner to promote a vibrant social and business climate and to ensure long-term economic viability and vitality. These services include security, streetscape maintenance, tree maintenance, sidewalk repairs, marketing, promotions, and events.

The Silver Spring CBD is also one of Montgomery County's Parking Lot Districts. This designation insures adequate, convenient levels of parking through on-street, surface and structured parking throughout the CBD. The Silver Spring Transportation Management District (TMD) was created to facilitate transportation mobility in Downtown Silver Spring by providing a wide-range of transportation information and services to employers and commuters in the Silver Spring central business district. TMD traffic-reduction strategies include constrained parking, expanded transit services, financial incentives, free fringe park 'n ride lots outside the

central business district, and intersection improvements.

IV. Publicly-Owned Property for Development

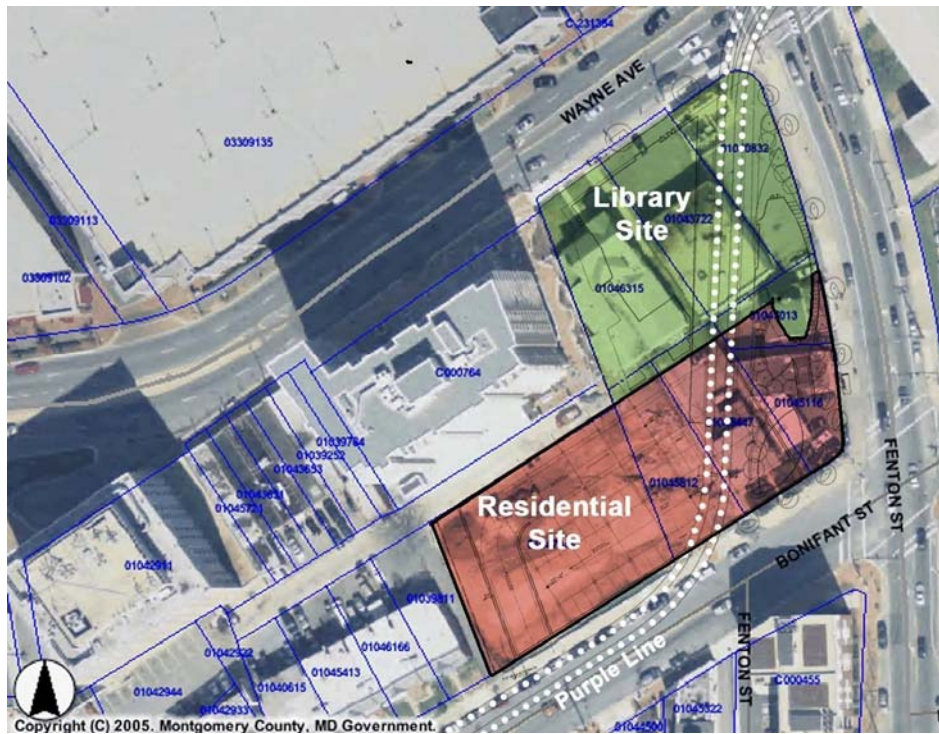
All or parts of the following parcels make up the site for the mixed-income housing abutting the Silver Spring Library. A resubdivision of the site is expected to be accomplished in the near future, defining the library and housing sites.

Tax Account No.	Lot No.	Street Address	Area (acres)	Liber/Folio
01047946	P27	935 Bonifant St.	0.385	16951/732
01045812	P3	905 Bonifant St.	0.134	31984/688
01043447	P2	903 Bonifant St.	0.149	35669/181
01045116	P28	8400 Fenton St.	0.107	33471/664
01047013	P29	8402 Fenton St.	0.101	35574/284

Zoning

All parcels that are part of the Silver Spring Library housing site are zoned CBD-1 and are subject to the Fenton Village Overlay Zone.

Aerial View of Properties Proposed for Development



V. Economic Incentives

The Silver Spring CBD is designated by Montgomery County in consultation with the State of Maryland as a Priority Funding Area pursuant to the Maryland Smart Growth Areas Act of 1997. The Act required that all “growth related” State funds be spent only in Priority Funding Areas (PFAs) and defined as “growth related” certain programs in five State agencies: Business and Economic Development, General Services, Housing and Community Development, Environment, and Transportation. These and other programs from Federal, State and County Agencies may provide opportunities to enhance or strengthen the economic viability and sustainability of proposed projects for the Silver Spring CBD.

Depending on the characteristics and uses of proposed development projects, many of these programs may be combined into a package of incentives. Participation in any of these programs would be subject to meeting their respective eligibility requirements. Detailed descriptions of these programs and their eligibility requirements can be found in Appendix A of this RFQ.

VI. Submission Requirements

FAILURE OF A RESPONDENT TO SUBMIT ALL REQUIRED INFORMATION MAY RENDER THE SUBMISSION INCOMPLETE AND INELIGIBLE FOR FURTHER CONSIDERATION.

The response to the RFQ must include the following elements:

A. Cover: The cover should contain the RFQ title, the Respondent’s name and the submission date.

B. Transmittal Letter: The transmittal letter should not exceed two pages and should contain:

1. The name, title and contact information of the individual with authority to bind the Respondent. This person should also sign the transmittal letter.
2. The address and legal form of the Respondent. If a joint venture is involved, provide complete information that explains the relationship among team members and their respective roles and contributions. An organization chart would be an appropriate attachment to the cover letter.
3. Statement acknowledging each addendum that the County may issue to the RFQ.
4. Statement that if selected, the Respondent will negotiate in good faith with the County.

5. Statement that the firm is not in arrears in the payment of any obligation due and owing to Montgomery County or the State of Maryland, including tax payments and employee benefits and that it shall not become so during the term of the agreement if selected.
6. Statement that the Proposal is valid for a minimum of 240 days from the date of submission.
7. Statement that the firm grants to the County a non-exclusive right to use, or cause others to use the contents of its Proposal, or any part thereof, for any purpose.

C. Statement of Qualifications – In Section II is a list of seven project goals. In evaluating a Respondent’s qualifications, the County is looking for solid experience that demonstrates a proven record of delivering projects that reflect these goals. Respondents must include a summary that demonstrates an understanding of the requirements of this as well as a description of how the developer proposes to integrate the physical, managerial and financial components required to ensure the success of its Development Plan.

As stated in Section I, this RFQ consists of **two phases**. All Respondents to this RFQ must provide a Statement of Qualifications addressing Phase I requirements listed below in this Section. Subject to the evaluation criteria and process described in Section VIII, the County will “short-list” the highest rated Respondents for continued consideration. Respondents to the RFQ may be asked to participate in an interview with the County.

Respondents selected to proceed to Phase II must then provide a Statement of Qualifications addressing Phase II requirements listed in the Section below. Phase II will include an interview with the selected Respondents that are short-listed.

The County reserves the right, in its sole and absolute discretion, to reject any and all submissions received in response to this RFQ and to cancel this RFQ at any time, for any or no reason, prior to entering into a formal contract. The County further reserves the right to request clarification of information provided in submissions submitted in response to this RFQ without changing the terms of this RFQ.

PHASE I SUBMISSION REQUIREMENTS

A. Background Information:

- A description of the Respondent, including
 - the organizational structure,
 - identification of principals, and
 - length of time in business.

- For purposes of this RFQ, if the Respondent is a team or joint venture, information for each respective entity must be furnished as well as a rationale as to why a joint venture is the preferred mechanism for development.
- The description must also include
 - the primary consultants who will participate in the design and development of this project.
 - a list of the existing commitments, individually or collectively, of the Project Team to other projects, as measured by the number and type of projects (including proposed development projects), expected duration and dollar value. Discuss how the team members would manage the additional work that would result if the team were selected by the County.
- For each reference, indicate the contact person's role in the completed project and the time period of his or her involvement.
- Developers are advised to include a statement that the Project will conform to all applicable Federal, State and County laws and ordinances, and that they accept responsibility to ensure compliance with applicable Federal, State and County laws.

B. Conceptual Approach & Methodology: Respondents are requested to demonstrate their understanding of this RFQ by submitting a conceptual approach and methodology for Project implementation. This narrative must describe the developer's methods and approach of engaging both partners and the various stakeholders to create a feasible, high-quality, residential, infill development that advances the goals described in this RFQ.

The Respondent must discuss its approach and methods to ensure a Project design that creates high-quality places, including design excellence, is sensitive to adjacent neighborhoods, includes "green building" design and construction methods for the site, and is sensitive to the needs of special populations such as the disabled. The narrative must include information regarding an approach and methods to involve the stakeholders in the design of the Project, an approach to community and stakeholder collaboration, and an approach to predevelopment activities and phasing, construction, marketing and lease-up, and operations as part of the Project, and describe the prospective approach to include small and minority business enterprises in the Project.

Respondents should demonstrate coordination with the Maryland Transit Authority regarding the Purple Line right-of-way and station.

C. Project Experience: It is essential for the County to fully understand the experience and capabilities of all key members of the Project Team.

1. Provide a summary of the lead developer's experience in managing large, complex projects that required interaction with a broad range of interested parties from both the public and private sectors.
2. Provide the following information for each key member of the Project Team:
 - a. Demonstration of experience in completing projects of the scale and complexity envisioned in this RFQ on budget and on schedule.
 - b. Extent of the experience of specific individuals on the developer's proposed Project Team in public/private development projects, including transit oriented development (TOD).
 - c. Demonstrated ability to structure public/private development projects to raise private capital and to pay for required public amenities.
 - d. Respondents are requested to highlight projects where members of the Project Team have previously collaborated.
3. Resumes of all key Project Team members to be involved in the Project are required and must include: relevant experience, details regarding the specific role proposed for the Project, education and professional licensing.
4. Please provide the names and phone numbers of references for completed development projects for which the Project Team acted as a developer and that are comparable to the Project envisioned in this RFQ. Projects included for reference are to be described only once and the description must include: project size in total land and building area; project scope; project location; development value; project length from inception to completion; roles of Project Team member or members during project execution, and client reference name, phone number and authorization to contact given references. Photos, site plans, and renderings are helpful.
5. Respondents must identify with specificity any other relevant organization, consultant or other available resources that will be committed to the Project.

D. Vision: Respondents must provide a brief written statement of no more than two pages indicating their concept of how mixed-income rental housing will contribute to the quality of life in the Silver Spring CBD, and more specifically, the Fenton Village area. The statement is to include thoughts about integration of the Project with the Silver Spring Library and the Purple Line right-of-way and transit station.

E. Acknowledgement of Mandatory Requirements: Include a statement that acknowledges the mandatory requirements outlined in Section VII below. Describe any experience at complying with similar requirements in other projects.

PHASE II SUBMISSION REQUIREMENTS

All Respondents selected to proceed to Phase II must provide a thoughtful development concept and explanation of key factors and milestones for its successful implementation. However, this is not to be a project proposal.

A. Project Vision – Short-Listed Respondents will be required to provide additional detail and definition to the vision statement provided in Phase I, Item D. This vision must identify the following:

1. Milestones necessary to implement the vision (pre-development, land use and regulatory approvals, etc);
2. Approach for working with stakeholders including the Silver Spring/Fenton Village community;
3. The rental market potential in the Silver Spring CBD and an approach to development that will capture that market potential;
4. A proposed or preferred ownership and management structure;
5. A statement describing the Respondent's plans to meet the requirements of Montgomery County Code Chapter 8, Buildings, Sec. 14A, Energy Performance Standards for County Buildings and Chapter 8, Article VII, Energy Efficiency and Environmental Design.
6. The potential for providing compensation to the County through direct payment or profit sharing at the development;
7. The potential need for and use of public funds, assistance, or subsidies in the development of the site;
8. A statement of whether the proposed development is contingent on any County or State government action (e.g., regulation changes, public funding-grants, loans, etc.) and a listing of these contingencies.

B. Financial Capability: Given the complexity of Public-Private projects it is necessary for the County to understand the developer's financial capability to undertake and successfully complete the Project.

1. Describe the lead developer's experience in obtaining private equity and debt for public/private developments similar in scale to the Site described in this RFQ.
2. Indicate the source(s) of both debt and equity financing for each referenced project stated above and describe the developer's commitment and capability to provide capital for this Project.
3. Indicate the amount of immediately available financial resources to fund the costs associated with creation of the Development Plan, negotiation of development agreements, obtaining entitlements and other approvals, and other predevelopment activities.
4. Under separate cover and marked "Confidential" (Folder 2), the Lead Developer and any Project Team Developer having an equity stake of 20 % or greater in the

business entity to be formed for this Project, should provide current Interim statements and audited Annual financial statement for their respective firm's last three years. An appropriately authorized officer/managing member of each firm providing financial information should certify that their respective statements present an accurate representation of that firm's financial condition as of the date of the statements.

C. References: Provide the names, phone numbers, and email addresses of two commercial bank references and two financial partner references. Additionally, letters to these credit references, authorizing their response to inquiries from the County are to be provided as well.

D. Additional Information - The County reserves the right to request additional information during the RFQ review period.

VII. Conditions, Limitations, and Mandatory Requirements

The County reserves the right to accept any Submission deemed to be in its best interest. A Submission in response to this RFQ does not constitute a contract and does not indicate or otherwise reflect a commitment of any kind on behalf of the County. Furthermore, this RFQ does not represent a commitment or offer by the County to enter into an agreement with a Respondent or to pay any costs incurred in the preparation of a Submission to this RFQ. Furthermore, this RFQ does not commit the County to pay for costs incurred in the negotiation or other work in preparation of, or related to, a final agreement between the selected Respondent and the County.

Any commitment made by the County will be subject to the appropriation of funds by the Montgomery County Council to carry out any such commitments and the execution of a contract acceptable to the County.

Questions regarding the RFQ should be directed, via email, to Joseph Giloley, Chief, Division of Housing and Code Enforcement, at joe.giloley@montgomerycountymd.gov or by fax at 240-777-3691.

All written questions and the responses from the County will be posted on the Montgomery County Department of General Services' website. The Submissions and any information made a part of the Submissions will become a part of the project's official files. The County is not obligated to return the responses to the Respondents. This RFQ and the selected Respondent's response to this RFQ may, by reference, become a part of any formal agreement between the Respondent and the County.

The County reserves the right, in its sole and absolute discretion, to reject any and all Submissions received in response to this RFQ

no reason, prior to entering into a formal contract. The County further reserves the right to request clarification of information provided in Submissions submitted in response to this RFQ without changing the terms of this RFQ.

If a Respondent contends that any part of its Submission is proprietary or confidential and, therefore, is limited to disclosure under the Maryland Public Information Act, Md. Code Ann. State Gov't §§10-611 *et seq.* (the "MPIA"), the Respondent must identify all information that is confidential or proprietary and provide justification for why such materials should not be disclosed by the County under the MPIA. The County, as custodian of Submissions submitted in response to this RFQ, reserves the right to determine whether or not material deemed proprietary or confidential by the Respondent is, in fact, proprietary or confidential as required by the MPIA, or if the MPIA permits nondisclosure. The County will favor disclosure of all Submissions in response to any request for disclosure made under the MPIA.

Respondents must familiarize themselves with the Property for Development identified in this RFQ and form their own opinions as to suitability for proposed development on the site. The County makes no representations as to this site. The County assumes no responsibility for site conditions including, but not limited to, environmental and soil conditions.

Respondents are responsible for their own background investigation as to restrictions, if any, bearing upon title, zoning, subdivision, transportation, developability, utilities, and physical conditions at the property. Soils tests and other invasive tests may not be conducted on this site during the RFQ Phase I stage.

Respondents are subject to the provisions of law pertaining to ethics in public contracting including but not limited to the provisions of Montgomery County Code Chapter 11B, Article XII and the applicable provisions of Chapter 19A.

Mandatory Requirements: The goal of this Request for Qualifications is the selection of a Developer or Development Team that would enter into a contractual agreement with the County. The Developer or Development Team will be required to comply with some or all following:

- **Prevailing Wage Law** - Beginning with contracts executed on July 1, 2009, the Prevailing Wage Law is patterned after the Federal Davis-Bacon and State of Maryland's prevailing wage laws. It requires the prevailing wage be paid to workers on County financed construction contracts of \$500,000 or greater. The prevailing wage rate is the rate paid for comparable work in the private sector within the County. The rates are calculated by the State, based on surveys of construction company employers. Information on the prevailing wage law for the State of Maryland can be viewed at: <http://dllr.state.md.us/labor/prev.html>

- **Minority, Female and Disable Owned Businesses (MFD) Program** – The County encourages contracting and development opportunities with business interests reflecting its diverse population and interests. Therefore, the County encourages Respondents to include, where possible, meaningful minority, female and disabled (“MFD”) participation in the proposed project. This participation could include, but not be limited to, the Respondent teaming with MFD developers, builders, suppliers, management firms, and/or subcontractors for the proposed project.
- **Local Small Business Reserve Program (LSBRP)** – This program was created under Montgomery County Code, sections [11B-17A](#); [11B-65](#) through [11B-70](#) and [Executive Regulation 21-05AM](#), to enhance the competitiveness of Montgomery County-based small businesses by creating separately-defined County procurement for local small businesses. Beginning **January 1, 2006**, registered local small businesses will be able to bid for select Montgomery County contracts with other businesses meeting the Program criteria.
- **Affordable Housing:** The requirement to provide a certain percentage of Moderately Priced Dwelling Units (MPDUs) applies to any new development in Montgomery County with 20 or more units. The Workforce Housing law applies to developments in certain high density, transit-oriented zones in the County which includes the Silver Spring CBD. The purpose of the program is to promote the construction of housing affordable to households with incomes at or below 120% of the area-wide median income. When the County makes county-owned land available for residential development through a competitive process, it requires that a Workforce Housing component be included. For additional information please refer to Chapter 25B., Housing Policy, Article V. of the Montgomery County Code and COMCOR 25B.24.01 Workforce Housing Program Regulations.
 - At this development, **the County requires that the mix of unit prices be:**
 - 30 percent of the units at MPDU rents
 - 30 percent of the units at Workforce Housing rents, and
 - 40 percent of the units at market rate rents.

In addition, please review the site plan guidelines for developments with MPDUs.

NOTE: The actual laws implementing the MPDU program in Montgomery County are found in Chapter 25B (the Moderately Priced Housing Law) and Chapter 59 (the Zoning Ordinance) of the Montgomery County Code, 2004, as amended. This summary is intended to supplement those sources - please refer to these laws to fully reference and understand the requirements of the MPDU program. The Montgomery County Code can be referenced online [here](#).

VIII. Evaluation Criteria

Upon receipt of submissions, the County's Qualification and Selection Committee (QSC) will review and evaluate the Submissions in accordance with the criteria listed below. Interviews may be conducted after the submission of Phase II with the short listed Respondents regarding both Phase I and Phase II responses.

The County's goal is to select the best response from the most qualified Respondent that best meets the County's goals for redevelopment of the mixed-income housing at the Silver Spring Library. The following evaluation criteria will help the County achieve its objectives for the site:

For Phase I Evaluation Criteria

- | | |
|--|-----------|
| 1. Background, Experience and Past Performance | 60 points |
| 2. Demonstrated capacity to undertake and complete complex mixed-income and mixed use projects | 20 points |
| 3. Vision and concept statement | 20 points |

For Phase II Evaluation Criteria

- | | |
|---|-----------|
| 1. Quality and depth of the Project Vision | 40 points |
| 2. Financial capacity and expertise to implement the Project Vision | 30 points |
| 3. Financial contribution to or subsidy needed from the County | 20 points |
| 4. Developer commitment | 10 points |

IX. Administration of the RFQ

Submissions are due by 2:00 pm on Friday, March 26, 2010.

Any amendments to the RFQ will be posted on Department of General Services' website, which can be located through the County's website at <http://www.montgomerycountymd.gov/content/DGS/DIR/SSLRFQ.asp>

The County expects the RFQ process to meet the following schedule, but reserves the right to amend this schedule or, in its sole discretion, to cancel the solicitation at any time.

RFQ Release	February 1, 2010
Site Tour/Pre-Submission Meeting (<i>Optional</i>)	February 19, 2010
Deadline for Questions	February 26, 2010
Submissions for Phase I Due	March 26, 2010, 2:00 p.m.
"Short Listed" Candidates Invited to Submit Phase II	April, 2010
Submissions for Phase II Due	Late May, 2010
Short List Interviews	June, 2010

Specific dates for Phase II will be provided to the short listed candidates.

X. Submission Instructions

All submissions shall include one original and seven (7) copies in 8½” by 11” format with no smaller than 11-point font and must not exceed 50 pages. Submissions must be bound and sealed, and must be mailed or delivered to:

Richard Y. Nelson, Jr., Director
Department of Housing and Community Affairs
100 Maryland Avenue, 4th floor
Rockville, Maryland 20850

Electronic Files - One copy of the entire submission must be provided in PDF format on a CD-ROM as one single file.

The envelope must state “Request for Qualifications, Silver Spring Library Mixed-Income Housing.” Written submissions will be evaluated upon only what is submitted, and it is incumbent upon the Respondent to submit sufficient information to enable the County to fully evaluate the Respondent’s capabilities and experience. Submissions to this RFQ received after the date and time specified are considered late and may not be considered. The County will not accept fax submissions or submissions sent via e-mail. Unless requested by the County, additional information cannot be submitted by the Respondent after the deadline set for receipt of submissions. Respondent will be notified in writing of any change in the specifications contained in this RFQ.

By submitting a response to this RFQ, the Respondent agrees that its submission may not be modified by the Respondent for one hundred twenty (120) days following the time and date designated for the receipt of Submissions in this RFQ or in any amendments hereto.

Prior to the time and date designated for receipt of submissions, early submissions may be modified or withdrawn only by notice to the County. Timely modifications or withdrawals of a submission must be in writing and must be received by the County on or before the date and time set for receipt of submissions.

Withdrawn submissions may be resubmitted up to the time designated for the receipt of Submissions, provided they are then in full conformance with the RFQ.

If a Memorandum of Understanding or other form of agreement acceptable to the County cannot be successfully negotiated with the top-ranked Respondent, the County may proceed to negotiate with the Respondent that submitted the next highest ranked submission. Alternatively, and in the

County's discretion, until an initial letter of intent or memorandum of understanding is entered into, the County may elect to negotiate with more than one Respondent at a time.

XI. Optional Pre-Submission Conference & Tour

There will be an optional pre-submission conference on February 19, 2010. The conference will begin at 10:30 a.m. at the Silver Spring Regional Center, 8435 Georgia Avenue. An optional walking tour of the site will take place immediately following the conference.

APPENDIX A

ECONOMIC INCENTIVE PROGRAMS

- **Enterprise Zone Program & Benefits** - The Enterprise Zone is an economic development program established by the Maryland General Assembly to provide tax incentives to eligible businesses locating or expanding their facilities within designated zones. The Silver Spring Enterprise Zone, designated by the State of Maryland on December 15, 1996, encompasses the Silver Spring Central Business District. Program benefits include:
 - **Montgomery County Impact Tax Waiver** - School and Transportation Impact Taxes do not apply in state-designated enterprise zones. MPDUs are not subject to County School and Transportation Impact Taxes.
 - **Real Estate Property Tax Credits** - For either a new or an expanding business which meets the eligibility requirements, the amount of the credit is 80% of the taxes due on any expansion, renovation or capital improvement in the property over the first five years. For the subsequent five years, the credit decreases 10% annually (70%, 60%, 50%, 40%, 30%). After ten years of property tax credits, the property is returned to the tax rolls at its full assessed value. Properties must be certified for eligibility prior to claiming the tax credit
 - **WSSC Systems Development Charge Exemption*** - Provides full or partial exemptions from WSSC Systems Development Charges (SDC) for MPDUs and in state-designated enterprise zones. Up to \$50,000 may be allowed for each individual project, subject to an annual program maximum set by WSSC.
**A signed MOU is required for a qualified project to be eligible for the SDC credit.*
- **Green Building Tax Credit** - Montgomery County Code, Chapter 52, Taxation, Sec. 52-18Q provides for property tax credits for certain buildings that meet certain standards for energy and environmental design. Buildings that attain Silver LEED certification could chose either a 50% tax credit over 5 years or 25% credit over 10 years.
- **Green Building/Clean Energy Incentives**
 - **Green Building Property Tax Credit** - Property tax credits are available for a “High Performance Building” based upon the rating it receives from the USGBC (United States Green Building Council), or an equivalent energy and environmental design standard, as determined by the Montgomery County Department of Permitting Services. To be eligible for a tax credit, a newly constructed or extensively modified non-residential or multi-family residential building that has at least 10,000 square feet of gross floor area must achieve a gold or platinum rating (or equivalent) from the USGBC, and any other building must receive a silver, gold, or platinum rating from the USGBC. Tax credits may

range from 75% to 10 % for three to five years, depending upon the rating (silver, gold, etc.) received.

For further information please visit:

www.montgomerycountymd.gov/content/finance/countytaxes/Green_Buildings_Tax_Credit_Application.pdf

Energy Conservation and Renewable Energy Property Tax Credit - Property tax credits are available for the installation of energy conservation measures or renewable energy devices. The tax credit for energy conservation measures is equal to the cost of the measure with a cap of \$250 per property annually. The credit for a renewable energy device is equal to 50% of the defined eligible cost of the device with a cap of \$5,000 for a heating or electricity generating system, or \$1,500 for a hot water supply system. The total of all credits granted annually by the County must not exceed \$250,000 for Renewable Energy Devices or \$250,000 for Energy Conservation Devices. Credits will be granted in the order in which complete applications are received by the Department of Finance. For details see:

www.montgomerycountymd.gov/content/finance/countytaxes/Renewable_Energy_Tax_Credit_Application.pdf

- **Green Tape Zone** - Green Tape Zone designation provides for a County team which gives downtown projects special priority in reviews and inspections. A Green Tape Team handles requests for assistance with the Fire Marshal, Liquor Control/License Commissioners, Building and Electrical Permits, Zoning, and the Public Health Services/Food Services unit.

Pre-application assessment inspections provide potential owners/tenants with information about the suitability of a building space for their intended use. New businesses now have a better chance to determine the likelihood of a successful start in downtown buildings as a result of these inspections.